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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,248	03/05/2002	Maria Rene Ebling	YOR920010659US1	6737

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EXAMINER	
AU, SCOTT D	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,248	EBLING ET AL.	
	Examiner	Art Unit	
	Scott Au	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to applicant's response to an Amendment, which is filed March 15, 2006.

An Amendment to the claims 1-63 have been entered and made of record in the Application of Ebling et al. for a "Method and apparatus for providing dynamic user alert" filed March 5, 2002.

Claims 31-63 are pending.

The new claims 31-63 are introduced.

Claims 1-30 are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 31-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi (US# 5,815,081) in view of Murray et al. (US# 5,646,589).

Referring to claims 31 and 49, Motohashi teaches a method of providing a dynamic alert indication to a user of a signal receiving device, the method comprising the steps of:

obtaining context information from a context service located remote from the signal receiving device (col. 2 lines 36-44; see Figure 1);
storing at least a portion of the context information at the signal receiving device;
forwarding at least a portion of the context information to a context service system located remote from the signal receiving device (col. 3 lines 10-30);
automatically modifying, based on at least a portion of the context information, an alert indication mode associated with the signal receiving device, wherein the alert indication mode causes an alert indication to be provided to the user of the signal receiving device upon receipt of a signal by the signal receiving device; and
wherein automated modification of the alert indication mode is effectuated remotely by the context service system or locally by the signal receiving device (i.e. there are no hands involved, the CPU 17 is automatic made the decision of the alert indication of the receiving signal (col. 3 line 44 to col. 4 line 19).

However, Motohashi did not explicitly disclose the alert indication being appropriate to an environment in which the user is presently located.

In the same field of endeavor of alerting system, Murray et al. disclose the alert indication being appropriate to an environment in which the user is presently located (col. 3 lines 10-58; see Figure 2).

One of ordinary skill in the art understands that the alert indication being appropriate to an environment in which the user is presently located in of Murray et al. is desirable in the paging system of Motohashi because Motohashi suggests a radio paging receiver has a function which is called a call condition indicating codes relating

to the call condition indicating function (col. 2 lines 36-67) and Murray et al. disclose if the pager senses the ambient sound level exceeds a predetermined thredhold, a tactle alert is issued (col. 3 lines 42-55; see Figure 2, at step 215). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the alert indication being appropriate to an environment in which the user is presently located of Murray et al. in the paging system of Motohashi with the motivation for doing so would allow notifying the user of the incoming message.

Referring to claim 47, Motohashi teaches a signal receiving device, comprising:
a memory (15,18) ((i.e. see Figure 1); and
a processor coupled to the memory and operative to: (i) obtain context information; (ii) store at least a portion of the context information; (iii) forward at least a portion of the context information to a context service system (11) (i.e. transmitting station) located remote from the signal receiving device;
wherein, based on at least a portion of the context information, an alert indication mode associated with the signal receiving device is automatically modified, wherein the alert indication mode causes an alert indication to be provided to the user of the signal receiving device upon receipt of a signal by the signal receiving device;
further wherein automated modification of the alert indication mode is effectuated remotely by the context service system or locally by the signal receiving device.

However, Motohashi did not explicitly disclose the alert indication being appropriate to an environment in which the user is presently located.

In the same field of endeavor of alerting system, Murray et al. disclose the alert indication being appropriate to an environment in which the user is presently located (col. 3 lines 10-58; see Figure 2) for the same reason with respect to claims 31-49 above.

Referring to claim 48, claiming the exact limitations as claim 47, except claim 48 claims a context service server instead of a signal receiving device. Having the context service server is obvious of variation of having a signal receiving device that has the control functions and components, which carry out the same desire functions.

Referring to claim 32, Motohashi in view Murray et al. disclose the method of claim 31, Murray et al. disclose further comprising the step of the context service system causing service provider infrastructure, responsible for sending the signal to the signal receiving device, to be modified consistent with the alert indication mode (col. 3 lines 51-67).

Referring to claim 33, Motohashi in view Murray et al. disclose the method of claim 31, Murray et al. disclose further comprising the step of the context service system making one or more signal transmitting devices aware of the alert indication mode of the signal receiving device (col. 3 lines 51-67).

Referring to claim 34, Motohashi in view Murrary et al. disclose the method of claim 31, Motohashi discloses further comprising the step of the context service system forwarding at least a portion of the context information obtained from the signal receiving device to one or more signal transmitting devices (col. 2 lines 37-50).

Referring to claim 35, Motohashi in view Murray et al. disclose the method of claim 31, Motohashi discloses further comprising the step of the context service system forwarding at least a portion of the context information obtained from the signal receiving device to One Or more context service systems (col. 2 lines 37-50).

Referring to claim 36, Motohashi in view Murray et al. disclose the method of claim 31, Motohashi discloses further comprising the step of the context service system storing previously-provided information about the user and about one or more signal receiving devices associated with the user for use in automatically modifying the alert indication mode of at least one of the one or more signal receiving devices (col. 2 lines 37-50).

Referring to claim 37, Motohashi in view Murray et al. disclose the method of claim 31, Motohashi discloses wherein the alert indication mode is at least one of audible and non-audible (col. 3 lines 23-42).

Referring to claim 38, Motohashi in view Murray et al. disclose the method of claim 37, Motohashi discloses wherein the non-audible mode comprises vibrating the signal receiving device (col. 3 lines 23-42).

Referring to claim 39, Motohashi in view Murray et al. disclose the method of claim 37, Motohashi discloses wherein the audible mode comprises one or more ring tones (col. 3 lines 23-42).

Referring to claim 40, Motohashi in view Murray et al. disclose the method of claim 31, Motohashi discloses wherein the alert indication mode is suggested by a sender of the signal (col. 1 lines 51-52).

Referring to claim 41, Motohashi in view Murray et al. disclose the method of claim 31, Motohashi discloses further comprising the steps of the context service system making available at least a portion of the context information to one or more other users of the context service system, receiving an alert indication mode from one of the one or more other users of the context service system, and forwarding the alert indication mode to the signal receiving device (col. 2 lines 37-67).

Referring to claim 42, Motohashi in view Murray et al. disclose the method of claim 41, Motohashi discloses wherein a user of the context service system is a program or an explicit or implicit user (col. 2 lines 37-50).

Referring to claim 43, Motohashi in view Murray et al. disclose the method of claim 31, Motohashi discloses further comprising the step of evaluating the signal to determine its relative importance based on content of the signal (col. 2 lines 5-67).

Referring to claim 44, Motohashi in view Murray et al. disclose the method of claim 31, Motohashi discloses wherein the signal receiving device comprises one of a cellular telephone, personal digital assistant, and a pager (col. 2 lines 36-44).

Referring to claim 45, Motohashi in view Murray et al. disclose the method of claim 31, Murray et al. disclose wherein the automated modification step may determine that no mode of alert indication may be utilized by the signal receiving device while within the environment (col. 3 lines 10-58).

Referring to claim 46, Motohashi in view Murray et al. disclose the method of claim 31, Murray et al. disclose further comprising the step of blocking signals to and from the signal receiving device while within the environment (col. 3 lines 10-58).

Referring to claim 50, Motoashi in view Murray et al. disclose the method in claim 49, claim 50 is equivalent to that of claim 32 addressed above, incorporated herein. Therefore, claim 50 is **rejected for same reasons given with respected** to claim 32.

Referring to claim 51, Motoashi in view Murray et al. disclose the method in claim 49, claim 51 is equivalent to that of claim 34 addressed above, incorporated herein. Therefore, claim 51 is **rejected for same reasons given with respected** to claim 34.

Referring to claim 52, Motoashi in view Murray et al. disclose the method in claim 49, claim 52 is equivalent to that of claim 35 addressed above, incorporated herein. Therefore, claim 52 is **rejected for same reasons given with respected** to claim 35.

Referring to claim 53, Motoashi in view Murray et al. disclose the method in claim 49, claim 53 is equivalent to that of claim 36 addressed above, incorporated herein. Therefore, claim 53 is **rejected for same reasons given with respected** to claim 36.

Referring to claim 54, Motoashi in view Murray et al. disclose the method in claim 49, claim 54 is equivalent to that of claim 37 addressed above, incorporated herein. Therefore, claim 54 is **rejected for same reasons given with respected** to claim 37.

Referring to claim 55, Motoashi in view Murray et al. disclose the method in claim 49, claim 55 is equivalent to that of claim 38 addressed above, incorporated herein. Therefore, claim 55 is **rejected for same reasons given with respected** to claim 38.

Referring to claim 56, Motoashi in view Murray et al. disclose the method in claim 49, claim 56 is equivalent to that of claim 39 addressed above, incorporated herein. Therefore, claim 56 is **rejected for same reasons given with respected** to claim 39.

Referring to claim 57, Motoashi in view Murray et al. disclose the method in claim 49, claim 57 is equivalent to that of claim 40 addressed above, incorporated herein. Therefore, claim 57 is **rejected for same reasons given with respected** to claim 40.

Referring to claim 58, Motoashi in view Murray et al. disclose the method in claim 49, claim 58 is equivalent to that of claim 41 addressed above, incorporated herein. Therefore, claim 58 is **rejected for same reasons given with respected** to claim 41.

Referring to claim 59, Motoashi in view Murray et al. disclose the method in claim 58, claim 59 is equivalent to that of claim 42 addressed above, incorporated herein. Therefore, claim 59 is **rejected for same reasons given with respected** to claim 42.

Referring to claim 60, Motoashi in view Murray et al. disclose the method in claim 49, claim 60 is equivalent to that of claim 43 addressed above, incorporated herein. Therefore, claim 60 is **rejected for same reasons given with respected** to claim 43.

Referring to claim 61, Motoashi in view Murray et al. disclose the method in claim 49, claim 61 is equivalent to that of claim 44 addressed above, incorporated herein. Therefore, claim 61 is **rejected for same reasons given with respected** to claim 44.

Referring to claim 62, Motoashi in view Murray et al. disclose the method in claim 49, claim 62 is equivalent to that of claim 45 addressed above, incorporated herein. Therefore, claim 62 is **rejected for same reasons given with respected** to claim 45.

Referring to claim 63, Motoashi in view Murray et al. disclose the method in claim 49, claim 63 is equivalent to that of claim 46 addressed above, incorporated herein. Therefore, claim 63 is **rejected for same reasons given with respected** to claim 46.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached at (571) 272-2981. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-273-8300.